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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,967	12/01/2003	Soren Schroter	FRG 10300	3002

25306 7590 04/24/2007
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EXAMINER

HEWITT, JAMES M

ART UNIT	PAPER NUMBER
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3679

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/724,967

Applicant(s)

SCHROTER, SOREN

Examiner

James M. Hewitt

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/11/07 has been entered.

Response to Amendment

The amendment filed 2/11/07 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

On the last seven lines of the abstract, the phrase "The front serrated tooth-like profile has a descending flank that is very steep and steeper than the descending flank of the at least one rear serrated tooth-like profile. The very steep descending flank of the front serrated tooth-like profile provides significant resistance when the connecting region is pulled or wrenched out of a socket of a connecting section." constitutes new matter not supported by the original disclosure. The original disclosure does not support that the front serrated tooth-like profile has a descending flank that is very steep

and steeper than the descending flank of the at least one rear serrated tooth-like profile.

Or that the very steep descending flank of the front serrated tooth-like profile provides significant resistance when the connecting region is pulled or wrenched out of a socket of a connecting section

On lines 10-17 of the replacement paragraph, the phrase "The ascending flank 134 of front-most tooth-like profile 130A has a rear side which provides a descending flank 132B which, when compared to descending flanks 132A, is very steep. This is illustrated in FIG. 5. Very steep descending flank 132B offers a significant resistance when the corrugated pipe 120' or its connecting region 128 is pulled or wrenched out of the section 186 of the socket 180." constitutes new matter not supported by the original disclosure. The original disclosure does not support that the rear side of the frontmost tooth has a descending flank that is very steep relative to the descending flanks 132A. Or that very steep descending flank 132B offers a significant resistance when the corrugated pipe 120' or its connecting region 128 is pulled or wrenched out of the section 186 of the socket 180.

Depicting the frontmost tooth in Fig. 5 as being larger and having a descending flank 132B which, when compared to descending flanks 132A, is very steep constitutes new matter not supported by the original disclosure.

From the last paragraph on page 12 of Applicant's original specification, "The connecting region 128 exhibits a serrated tooth-like profiling 130, wherein each of the serrated teeth comprises a flank 134 which ascends into the socket 180 in the insertion direction and ascends at a relatively small angle, such that no significant resistance can

Art Unit: 3679

occur when the connecting section 128 is inserted. On the rear side of the flank 134, a very steeply descending flank 132 is provided which offers a significant resistance when the corrugated pipe 120' or its connecting region 128 is pulled or wrenched out of the section 186 of the socket 180. By forming the serrated teeth 130 as shown, in conjunction with the expansion properties of the material of the socket 180, significant holding forces can be applied. This can be further increased by additionally laying a pressing ring around the section 186 of the socket 180, which can be pressed once the connecting region 128 has been inserted into the section 186." It is clear from this paragraph and original Figure 5 that there are several serrated teeth of the serrated tooth-like profiling and that each of the teeth comprises a flank (134). Each flank (134) ascends into the socket 180 in the insertion direction and ascends at a relatively small angle, such that no significant resistance can occur when the connecting section 128 is inserted. On the rear side of each flank (134) a very steeply descending flank 132 is provided which offers a significant resistance when the corrugated pipe 120' or its connecting region 128 is pulled or wrenched out of the section 186 of the socket 180. It is clear that the ascending sides of each flank (134) are of the same angle, and the descending sides are of the same angle, which is steep relative to the ascending angle.

Applicant is required to cancel the new matter in the reply to this Office Action.

Drawings

The replacement drawing sheet was received on 2/11/07. These drawings are not acceptable. Yet, the sheet does correct for the cross-hatching of the sleeve in Fig. 6.

Figure 6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the stopper having a diameter greater than the diameter of any of the serrated tooth-like profiles must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because the cross-hatching for each of the components shown in cross-section should correspond to the accepted cross-hatching for the materials of each of the components as outlined in MPEP 608.02 (IX). For instance, the cross-hatching of the O-ring in Figure 3 does not correspond to rubber, as indicated in the disclosure's summary. There are no figures that show that the socket and corrugated pipes are plastic, as indicated in the summary and the last paragraph of page 13. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

Art Unit: 3679

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because its length exceeds 150 words. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities:

Reference numeral "180" is described as both the corrugated pipe connecting arrangement and the socket.

Reference numeral "184" is described as both the projection and the collar.

Appropriate correction is required.

Claim Objections

Claims 43-44 are objected to because of the following informalities:

In claim 43, line 1, "apparatus" should be inserted after "pipe".

In claim 44, line 1, "apparatus" should be inserted after "pipe".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 42-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 42, the recitation "said front serrated tooth-like profile having a descending flank that is very steep and steeper than said descending flank of said at least one rear serrated tooth-like profile, said very steep descending flank of said front serrated tooth-like profile having significant resistance when the connecting region is pulled or wrenched out of a socket of a connecting section." constitutes new matter.

From the last paragraph on page 12 of Applicant's original specification, "The connecting region 128 exhibits a serrated tooth-like profiling 130, wherein each of the serrated teeth comprises a flank 134 which ascends into the socket 180 in the insertion direction and ascends at a relatively small angle, such that no significant resistance can occur when the connecting section 128 is inserted. On the rear side of the flank 134, a

Art Unit: 3679

very steeply descending flank 132 is provided which offers a significant resistance when the corrugated pipe 120' or its connecting region 128 is pulled or wrenched out of the section 186 of the socket 180. By forming the serrated teeth 130 as shown, in conjunction with the expansion properties of the material of the socket 180, significant holding forces can be applied. This can be further increased by additionally laying a pressing ring around the section 186 of the socket 180, which can be pressed once the connecting region 128 has been inserted into the section 186." It is clear from this paragraph and original Figure 5 that there are several serrated teeth of the serrated tooth-like profiling and that each of the teeth comprises a flank (134). Each flank (134) ascends into the socket 180 in the insertion direction and ascends at a relatively small angle, such that no significant resistance can occur when the connecting section 128 is inserted. On the rear side of each flank (134) a very steeply descending flank 132 is provided which offers a significant resistance when the corrugated pipe 120' or its connecting region 128 is pulled or wrenched out of the section 186 of the socket 180. It is clear that the ascending sides of each flank (134) are of the same angle, and the descending sides are of the same angle, which is steep relative to the ascending angle. There is no support for the descending flank of the frontmost flank to be more steep than any other descending flank.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 42-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "very steep" in claim 42 is a relative term which renders the claim indefinite. The term "very steep" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The term "significant" in claim 42 is a relative term which renders the claim indefinite. The term "significant" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Response to Arguments

Applicant's arguments filed 2/11/07 have been fully considered but they are not persuasive.

Specifically, there is no support found in original claims 21-27, originally filed Figure 5 or in the originally filed specification (pg. 6, 4th paragraph, pg. 12, last paragraph, page 13, ll. 1-5) for certain subject matter in claim 42. Refer to the above 112 1st rejections of claims 42-44.

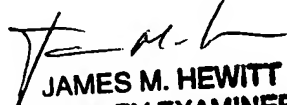
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH
4/18/07


JAMES M. HEWITT
PRIMARY EXAMINER